

Ellen C. Pitcher, OSB No. 81455
Assistant Federal Public Defender
101 SW Main Street, Suite 1700
Portland, OR 97204
Tel: (503) 326-2123
Fax: (503) 326-5524
Email: ellen_pitcher@fd.org
Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,

CR No. 07-124-HA

Plaintiff,

vs.

RYAN SNIDER,

Defendant.

***PETITION TO ENTER PLEA OF
GUILTY OF GUILTY,
CERTIFICATE OF COUNSEL, AND
ORDER ENTERING PLEA***

The defendant represents to the court:

1. My name is Ryan Snyder. I am 31 years old. I have gone to school up to and including the Clackamas HS graduate 1994.
2. My attorney is Ellen C. Pitcher.

3. My attorney and I have discussed my case fully. I have received a copy of the Superseding Information. I have read the Superseding Information, or it has been read to me, and I have discussed it with my attorney. My attorney has counseled and advised me concerning the nature of each charge, any lesser-included offense(s), and the possible defenses that I might have in this case. I have been advised and understand that the elements of the charge(s) alleged against me to which I am pleading "GUILTY" are as follows: 1) knowingly distributed; 2) controlled substance; in District of Oregon.

I have had a full and adequate opportunity to disclose to my attorney all facts known to me that relate to my case. I understand that the court may ask whether I am satisfied with the advice I have received from my attorney.

4. I know that if I plead "GUILTY," I will have to answer any questions that the judge asks me about the offense(s) to which I am pleading guilty. I also know that if I answer falsely, under oath, and in the presence of my attorney, my answers could be used against me in a prosecution for perjury or false statement.

5. I am not under the influence of alcohol or drugs. I am not suffering from any injury, illness or disability affecting my thinking or my ability to reason except as follows: (P)

I have not taken any drugs or medications within the past seven (7) days except as

follows: JS

6. I understand that conviction of a crime can result in consequences in addition to imprisonment. Such consequences include deportation, or removal from the United States, or denial of naturalization, if I am not a United States citizen; loss of eligibility to receive federal benefits; loss of certain civil rights (which may be temporary or permanent depending on applicable state or federal law), such as the right to vote, to hold public office, and to possess a firearm; and loss of the privilege to engage in certain occupations licensed by the state or federal government.

7. I know that I may plead "NOT GUILTY" to any crime charged against me and that I may persist in that plea if it has already been made. I know that if I plead "NOT GUILTY" the Constitution guarantees me:

- a. The right to a speedy and public trial by jury, during which I will be presumed to be innocent unless and until I am proven guilty by the government beyond a reasonable doubt and by the unanimous vote of twelve jurors;
- b. The right to have the assistance of an attorney at all stages of the proceedings;
- c. The right to use the power and process of the court to compel the production of evidence, including the attendance of witnesses in my favor;
- d. The right to see, hear, confront, and cross-examine all witnesses called to testify against me;

e. The right to decide for myself whether to take the witness stand and testify, and if I decide not to take the witness stand, I understand that no inference of guilt may be drawn from this decision; and

f. The right not to be compelled to incriminate myself.

8. I know that if I plead "GUILTY" there will be no trial before either a judge or a jury, and that I will not be able to appeal from the judge's denial of any pretrial motions I may have filed concerning matters or issues not related to the court's jurisdiction.

9. In this case I am pleading "GUILTY" under Rule 11(c)(1)(C). My attorney has explained the effect of my plea under Rule 11(c)(1)(C) to be as follows:

If the court accepts the plea
it is bound to sentence the
defendant according to the
plea bargain, or give the defendant
the opportunity to withdraw his
plea.

10. I know the maximum sentence which can be imposed upon me for the crime(s) to which I am pleading guilty is 20 years imprisonment and a fine of \$1,000,000. I also know there is a mandatory minimum sentence of 8 years imprisonment.

11. I know that the judge, in addition to any other penalty, will order a special assessment as provided by law in the amount of \$ 100 per count of conviction.

12. I know that if I am ordered to pay a fine, and I willfully refuse to pay that fine, I can be returned to court, where the amount of the unpaid balance owed on the fine can be substantially increased by the judge and I can be imprisoned for up to one year.

13. My attorney has discussed with me the Federal Sentencing Guidelines. I know the Guidelines are advisory, not mandatory. I also know the sentencing judge, in determining the particular sentence to be imposed, must consider those factors set forth in Title 18, United States Code, Section 3553(a), including, but not limited to: the nature and circumstances of the offense, my own history and characteristics, the goals of sentencing (punishment, deterrence, protection, and rehabilitation), and the advisory sentencing range established by the Guidelines. If my attorney or any other person has calculated an advisory guideline range for me, I know that this is only a prediction, and is only one of the factors that the judge will consider in making a final decision as to what sentence will be imposed. I also know that a judge may not impose a sentence greater than the maximum sentence referred to in paragraph (10) above.

14. I know from discussion with my attorney that, under the Federal Sentencing Guidelines, if I am sentenced to prison I am not entitled to parole. I will have to serve the full sentence imposed except for any credit for good behavior that I

earn. I can earn credit for good behavior in prison at a rate of up to 54 days for each year of imprisonment served. Credit for good behavior does not apply to a sentence of one year or less.

15. I know that if I am sentenced to prison, the judge will impose a term of supervised release to follow the prison sentence. During my supervised release term I will be supervised by a probation officer according to terms and conditions set by the judge. In my case, a term of supervised release can be at least three to years. If I violate the conditions of supervised release, I may be sent back to prison for up to 2 year(s).

16. I know that in addition to or in lieu of any other penalty, the judge can order restitution payments to any victim of any offense to which I plead guilty. I am also informed that, for certain crimes of violence and crimes involving fraud or deceit, it is mandatory that the judge impose restitution in the full amount of any financial loss or harm caused by an offense. If imposed, the victim can use the order of restitution to obtain a civil judgment lien. A restitution order can be enforced by the United States for up to twenty (20) years from the date of my release from imprisonment, or, if I am not imprisoned, twenty (20) years from the date of the entry of judgment. If I willfully refuse to pay restitution as ordered, a judge may re-sentence me to any sentence which could originally have been imposed.

17. On any fine or restitution in an amount of \$2,500 or more, I know that I will be required to pay interest unless that fine or restitution is paid within fifteen (15) days from the date of the entry of judgment.

18. If I am on probation, parole, or supervised release in any other state or federal case, I know that by pleading guilty in this court my probation, parole or supervised release may be revoked and I may be required to serve time in that case, which may be consecutive, that is, in addition to any sentence imposed on me in this court.

19. If I have another case pending in any state or federal court, I know that my Petition and Plea Agreement in this case do not, in the absence of an express and written agreement, apply to my other case(s), and that I can be faced with consecutive sentences of imprisonment.

20. My plea of "GUILTY" is based on a Plea Agreement that I have made with the prosecutor. That Plea Agreement is attached hereto and incorporated herein. I have read or had read to me the Plea Agreement, and I understand the Plea Agreement.

21. The Plea Agreement contains the only agreement between the United States government and me. No officer or agent of any branch of government (federal, state or local) or anyone else has promised or suggested that I will receive a lesser term of imprisonment, or probation, or any other form of leniency if I plead "GUILTY"

except as stated in the Plea Agreement. I understand that I cannot rely on any promise or suggestion made to me by a government agent or officer which is not stated in writing in the Plea Agreement, or which is not presented to the judge in my presence in open court at the time of the entry of my plea of guilty.

22. My plea of "GUILTY" is not the result of force, threat, or intimidation.
23. I hereby request that the judge accept my plea of "GUILTY" to the following count(s):

Count I of the Superseding Information:
Distribution of a controlled
substance (cocaine).

24. I know that the judge must be satisfied that a crime occurred and that I committed that crime before my plea of "GUILTY" can be accepted. With respect to the charge(s) to which I am pleading guilty, I represent that I did the following acts and that the following facts are true: On or about August 21, 2006, I distributed a detectable quantity of cocaine. I have later learned that, through a series of transactions, this cocaine resulted in the death of an individual. This occurred in the district of Oregon.

25. I offer my plea of "GUILTY" freely and voluntarily and of my own accord and with a full understanding of the allegations set forth in the Superseding Information, and with a full understanding of the statements set forth in this Petition and in the Certificate of my attorney that is attached to this Petition.

SIGNED by me in the presence of my attorney, after reading (or having had read to me) all of the foregoing pages and paragraphs of this Petition on this 10th day of October, 2007.



Ryan Snider
Defendant

CERTIFICATE OF COUNSEL

The undersigned, as attorney for defendant Ryan Snyder, hereby certifies:

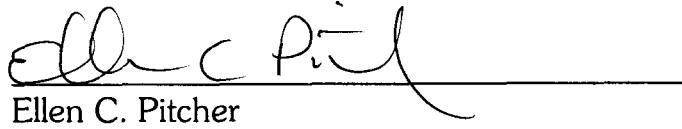
1. I have fully explained to the defendant the allegations contained in the Superseding Information in this case, any lesser-included offense(s), and the possible defenses which may apply in this case.

2. I have personally examined the attached Petition To Enter Plea of Guilty And Order Entering Plea, explained all its provisions to the defendant, and discussed fully with the defendant all matters described and referred to in the Petition.

3. I have explained to the defendant the maximum penalty and other consequences of entering a plea of guilty described in paragraphs (6)-(20) of the Petition, and I have also explained to the defendant the applicable advisory Federal Sentencing Guidelines.

4. I recommend that the Court accept the defendant's plea of "GUILTY."

SIGNED by me in the presence of the above-named defendant, and after full discussion with the defendant of the contents of the Petition To Enter Plea of Guilty, and any Plea Agreement, on this 10th day of October, 2007.



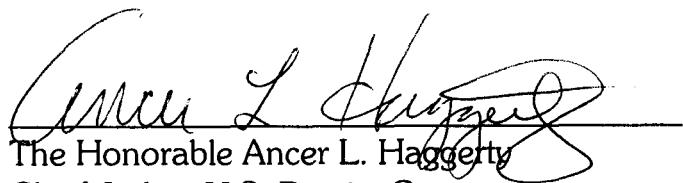
Ellen C. Pitcher
Attorney for Defendant

ORDER ENTERING PLEA

I find that the defendant's plea of GUILTY has been made freely and voluntarily and not out of ignorance, fear, inadvertence, or coercion. I further find the defendant has admitted facts that prove each of the necessary elements of the crime(s) to which the defendant has pled guilty.

IT IS THEREFORE ORDERED that the defendant's plea of GUILTY be accepted and entered as requested in this Petition and as recommended in the Certificate of defendant's attorney.

DATED this 11 of October, 2007, in open court.



The Honorable Ander L. Haggerty
Chief Judge, U.S. District Court



U.S. Department of Justice

Karin J. Immergut

United States Attorney

District of Oregon

1000 S.W. Third Avenue, Suite 600

Portland, OR 97204-2902

Office: (503)727-1000

Fax: (503) 727-1117

Scott M. Kerin
Assistant United States Attorney

Direct: (503) 727-1002
Scott.Kerin@usdoj.gov

October 10, 2007

Ellen Pitcher
Assistant Federal Public Defender
Federal Public Defender's Office
101 S.W. Main Street, Suite 1700
Portland, OR 97204

Re: *United States v. Ryan Snider, 07-124-HA*
Rule 11(c)(1)(C) Amended Plea Agreement

Dear Ms. Pitcher:

In an effort to resolve your client's criminal case, the government proposes the following plea offer:

1. **Parties/Scope:** This plea agreement is between the United States Attorney's Office for the District of Oregon (USAO) and defendant, and thus does not bind any other federal, state, or local prosecuting, administrative, or regulatory authority. This agreement does not apply to any other charges other than those specifically mentioned herein.
2. **Charges:** Defendant agrees to plead guilty to a Superseding Information which charges that on or about August 21, 2006, here in the District of Oregon, your client distributed a mixture or substance containing a detectable amount of cocaine, in violation of 21 U.S.C. §§ 841(a) and 841(b)(1)(C).
3. **Penalties:** The maximum sentence is twenty years imprisonment, a fine of \$1,000,000, at least three years of supervised release, and a \$100 fee assessment. Defendant agrees to pay the \$100 fee assessment by the time of entry of guilty plea or explain to the court why this cannot be done.
4. **Dismissal/No Prosecution:** The USAO agrees not to bring additional charges against defendant in the District of Oregon arising out of this drug investigation, known to the USAO at the time of this agreement. At the time of sentencing the USAO will also ask the court to dismiss the original indictment. The defendant is also facing state drug charges in Washington County, Oregon that arise from a search warrant that was executed on the defendant's residence. The search warrant resulted from this investigation but is a separate matter. The Washington County District Attorney's has informed the parties that, as part of a global resolution of the two cases, they will require the defendant to plead guilty to a state charge of delivery of a controlled substance. The

U.S. v. Ryan Snider, 07-124-HA

Amended Plea Agreement

October 10, 2007

Page 2

Washington County District Attorney's Office has also informed the parties that they will ask the state court to impose a probationary sentence and that any custody time be served concurrently to the federal sentence. The terms of the Washington County plea agreement are a separate matter that has been worked out between the defendant, his state defense attorney, and the District Attorney's Office.

5. **Sentencing Factors**: The parties agree that pursuant to *United States v. Booker/Fanfan*, 543 U.S. 220 (2005), the court must determine an advisory sentencing guideline range pursuant to the United States Sentencing Guidelines (U.S.S.G.). The court will then determine a reasonable sentence within the statutory range after considering the advisory sentencing guideline range and the factors listed in 18 U.S.C. § 3553(a). The parties' agreement herein to any guideline sentencing factors constitutes proof of those factors sufficient to satisfy the applicable burden of proof.

6. **Factual Summary**: The defendant admits that on or about August 21, 2006, in the District of Oregon, he sold a quantity of cocaine, a Schedule II controlled substance, to an individual. Defendant further admits that the cocaine he sold, through a chain of subsequent sales, ended up being sold to another individual and that the cocaine caused this other person's death.

7. **Relevant Conduct**: The parties agree that defendant's relevant conduct pursuant to U.S.S.G. §§ 1B1.3 and 2D1.1(a) is between 50 and 100 grams of cocaine. The parties further agree that the offense of conviction establishes that death resulted from the use of the controlled substance and thus defendant's **initial base offense level is 38**, prior to adjustments.

8. **Acceptance of Responsibility**: Defendant must demonstrate to the court that he fully admits and fully accepts responsibility under U.S.S.G. § 3E1.1 for his unlawful conduct in this case. If defendant does so, the USAO will recommend a **three-level reduction** in defendant's offense level. The USAO reserves the right to change this recommendation if defendant, between plea and sentencing, commits any new or additional criminal offense, obstructs or attempts to obstruct justice as explained in U.S.S.G. § 3C1.1, or acts inconsistently with acceptance of responsibility as explained in U.S.S.G. § 3E1.1.

9. **Cooperation Terms**: The following terms and conditions will govern your client's substantial assistance to the government in the prosecution of others:

A. **Information**: Defendant represents that any proffers provided prior to signing this agreement have been complete and truthful. Defendant agrees to provide complete and truthful information relating directly or indirectly to any criminal activity. Such proffer

U.S. v. Ryan Snider, 07-124-HA

Amended Plea Agreement

October 10, 2007

Page 3

includes producing any and all documents, records, writings, tangible objects, or materials in defendant's possession or control which relate to that criminal activity. Defendant agrees to cooperate with any efforts and requests by the USAO to verify that the information provided is complete and truthful.

B. **Use Immunity**: Except as otherwise stated herein, in return for defendant's cooperation and information, the USAO agrees not to use such information, or any information directly or indirectly derived from such information, against the defendant in any legal proceeding. The protections for defendant under this agreement do not extend to crimes of violence, unless otherwise specifically indicated.

C. **Collateral Use**: If defendant should testify materially contrary to the substance of the proffer, or otherwise presents in any legal proceeding a position materially inconsistent with the proffer, any information or evidence obtained through that proffer may be used against defendant in any fashion, including as the basis for a prosecution for offenses involving perjury, false declaration before a grand jury or court, false statement, and obstruction of justice.

D. **Sentencing Information**: Defendant understands that the USAO, pursuant to 18 U.S.C. § 3661, must provide the information given under this agreement to the PSR writer and sentencing judge. U.S.S.G. § 1B1.8 governs the use of such information in determining defendant's applicable guideline sentencing range.

E. **Testimony**: Defendant agrees, pursuant to this plea agreement and as a condition of any probation/supervised release in this case, to testify under oath completely and truthfully in any federal or state Grand Jury, trial, hearing, or any other proceeding to which defendant may be called as a witness, including but not limited to any proceedings involving his source of supply, Joseph Arzt, and David Floyd Lee.

F. **Best Efforts**: Any benefit defendant may receive under this agreement is solely dependent upon whether defendant's best efforts are used in cooperating truthfully and completely, and are not dependent upon the identification, arrest, prosecution, or conviction of any person for any crime.

G. **Breach of Cooperation**: It is expressly understood and agreed by the parties that the determination of whether these cooperation terms have been breached rests exclusively with the USAO, so long as that determination is made in good faith and not arbitrarily. Should defendant knowingly give false, misleading, or incomplete information or testimony, or otherwise violate any of these cooperation terms, the parties agree that: (1) defendant may not withdraw any guilty plea; (2) the USAO is free to make any sentencing recommendation and is not bound by this agreement; (3) statements and information from defendant under this

U.S. v. Ryan Snider, 07-124-HA

Amended Plea Agreement

October 10, 2007

Page 4

agreement or any previous proffer agreement may be used for any purpose without any “use immunity” to defendant; and (4) defendant may be prosecuted for any crime, whether or not such crime was the subject of this agreement.

H. **Substantial Assistance Departure:** Should the defendant provide substantial assistance to the government and so long as your client remains in compliance with this agreement the USAO will recommend a **downward departure** pursuant to U.S.S.G. § 5K1.1 (and 18 U.S.C. § 3553(e) if necessary) and/or Rule 35 of the Federal Rules of Criminal Procedure to fulfill the sentencing recommendations as outlined below.

10. **Sentencing Recommendation:** Pursuant to U.S.S.G. § 5K1.1 and 18 U.S.C. §§ 3553(a) and 3553(e), and so long as defendant demonstrates an acceptance of responsibility as explained above and provides substantial assistance in the prosecution of others as outlined above, the parties will recommend that the court sentence the defendant to a sentence of **72 months imprisonment, to be followed by three years of supervised release.**

11. **Fines and fees:** The USAO will not seek a fine in this case.

12. **Forfeiture and Abandonment:** By signing this agreement, defendant knowingly and voluntarily forfeits all right, title, and interest in and to all assets which were seized in this case and are subject to forfeiture pursuant to 21 U.S.C. § 853, which defendant admits constitutes the proceeds of the criminal conspiracy, were derived from the criminal conspiracy, were used to facilitate the criminal conspiracy, or were involved in the criminal conspiracy in violation of 21 U.S.C. § 846, these assets include: **a 2007 Interstate Cargo Trailer, VIN # 4RACS20217N 050243 and \$6,870.00 in U.S. currency.** Defendant agrees to withdraw any claims that he may have filed to any of these assets. Defendant also knowingly and voluntarily waives the right to a jury trial on the forfeiture of these assets. Defendant knowingly and voluntarily waives all constitutional, legal and equitable defenses to the forfeiture of these assets, including any claim or defense under the Eighth Amendment to the United States Constitution, and any rights under Rule 32.2 of the Federal Rules of Criminal Procedure. Defendant further agrees forfeiture of defendant's assets shall not be treated as satisfaction of any fine, restitution, cost of imprisonment, or any other penalty this court may impose upon defendant in addition to forfeiture.

13. **Additional Departures:** The parties agree not to seek any additional departures or adjustments.

14. **Waiver of Appeal/Post-Conviction Relief:** Defendant knowingly and voluntarily waives the right to appeal from any aspect of the conviction and sentence on any grounds unless (1) the sentence imposed exceeds the statutory maximum or (2) the court arrives at an advisory

U.S. v. Ryan Snider, 07-124-HA

Amended Plea Agreement

October 10, 2007

Page 5

sentencing guideline range by applying an upward departure under the provisions of Guidelines Chapter 5K or (3) the court exercises its discretion under 18 U.S.C. § 3553(a) to impose a sentence which exceeds the advisory guideline sentencing range. Should defendant seek an appeal, despite this waiver of that right, the USAO may take any position on any issue on appeal. Defendant also waives the right to file any collateral attack, including a motion under 28 U.S.C. § 2255, challenging any aspect of the conviction or sentence on any grounds, except on grounds of ineffective assistance of counsel, and except as provided in Fed. R. Crim. P. 33 and 18 U.S.C. § 3582(c)(2).

15. **Court Bound by Agreement once Plea is Accepted:** Because this agreement is made under **Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure**, the court is bound by the recommendations of the parties once it accepts the plea agreement. Should the court decline to follow the agreements or recommendations herein, and decide a sentence of more than 72 months imprisonment is appropriate, the defendant may then, and only then, withdraw from the plea agreement.

16. **Full Disclosure/Reservation of Rights:** The USAO will fully inform the PSR writer and the court of the facts and law related to defendant's case. Except as set forth in this agreement, the parties reserve all other rights to make sentencing recommendations and to respond to motions and arguments by the opposition.

17. **Breach of Plea Agreement:** If defendant breaches the terms of this agreement, or commits any new criminal offenses between signing this agreement and sentencing, the USAO is relieved of its obligations under this agreement, but defendant may not withdraw any guilty plea.

18. **Total Agreement:** This letter states the full extent of the agreement between the parties. There are no other promises or agreements, express or implied. If defendant accepts this offer, please sign and attach the original of this letter to the Petition to Enter Plea.

Sincerely,

KARIN J. IMMERGUT
United States Attorney


SCOTT M. KERIN
Assistant United States Attorney

U.S. v. Ryan Snider, 07-124-HA

Amended Plea Agreement

October 10, 2007

Page 6

United States v. Ryan Snider, 07-124-HA
Rule 11(c)(1)(C) Amended Plea Agreement

I hereby freely and voluntarily accept the terms and conditions of this plea offer, after first reviewing and discussing every part of it with my attorney. I am satisfied with the legal assistance provided to me by my attorney. I wish to plead guilty because, in fact, I am guilty. I admit that on or about August 21, 2006, in the District of Oregon, I sold a quantity of cocaine, a Schedule II controlled substance, to an individual. I further admit that the cocaine I sold was in turn sold to several other people and that the eventual recipient of the cocaine died as a result of using some of the cocaine I originally sold.

10/11/07

Date



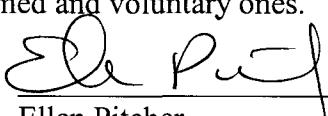
Ryan Snider

Defendant

I represent defendant as legal counsel. I have carefully reviewed and discussed every part of this agreement with defendant. To my knowledge defendant's decisions to enter into this agreement and to plead guilty are informed and voluntary ones.

10/11/07

Date



Ellen Pitcher

Attorney for Defendant